**MINUTES OF**
**FAIRFAX COUNTY PLANNING COMMISSION**
**THURSDAY, MAY 25, 2006**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Rodney L. Lusk, Lee District

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On May 18, 2006, Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION ON THURSDAY, MAY 25, 2006, AT 7:30 P.M., FOR CONSULTATION WITH LEGAL COUNSEL AND STAFF PERTAINING TO RZ 2003-MV-036, RUBIN ASSOCIATES, PURSUANT TO THE *CODE OF VIRGINIA SECTION* 2.2-3711(7).

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

Following the closed session, Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE, ONLY THE PUBLIC BUSINESS MATTER LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY THE MATTER IDENTIFIED IN THE MOTION TO CONVENE THE CLOSED SESSION WAS HEARD, DISCUSSED, OR CONSIDERED BY THE PLANNING COMMISSION DURING THAT SESSION.

Commissioners Hall and Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Wilson abstaining; Commissioner Lusk absent from the meeting.

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Harsel congratulated Commissioner Lusk on the birth of his second daughter, Addison Grey Lusk.

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Commissioner Harsel announced her intent to defer the public hearing on 2232-B06-1, T-Mobile Northeast, LLC, from Thursday, June 1, 2006 to Thursday, July 20, 2006.

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Commissioner Harsel noted that the joint Planning Commission's School Facilities Committee would meet on Wednesday, May 31, 2006, at 7:30 p.m., in the Board Conference Room, to discuss the proffer formula for public schools. Commissioner Alcorn called the Commission's attention to a memorandum dated May 22, 2006, from Dean Tisdadt, Chief Operating Officer, Fairfax County Public Schools, concerning updating the schools impact proffer formula consistent with the Residential Development Criteria implementation motion and current construction costs.

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Commissioner Murphy MOVED THAT THE JOINT PUBLIC HEARING ON RZ/FDP 2005-SP-019, MIDLAND ROAD LLC, BE DEFERRED TO A DATE CERTAIN OF JUNE 14, 2006.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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Commissioner Murphy MOVED THAT THE PUBLIC HEARING ON FDPA 82-P-069-06-09, CRP FAIR LAKES, LP, BE DEFERRED INDEFINITELY.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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Commissioner de la Fe MOVED THAT THE DECISION ONLY ON CPA 86-C-121-8-3, LERNER ENTERPRISES, LLC, BE FURTHER DEFERRED TO A DATE CERTAIN OF JUNE 1, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioners Byers and Hopkins seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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Commissioner Alcorn noted that the High-Rise Affordability Task Force continued to meet to discuss how Fairfax County could acquire affordable housing units in high-rise buildings, which were now exempt from the Affordable Dwelling Unit Ordinance. He said that the Task Force expected to forward its recommendation to the Board of Supervisors by the end of June. Commissioner Alcorn added that he would keep Commissioners informed of future meeting dates.

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Commissioner Alcorn announced that the Land Use Information Accessibility Advisory Group had met on Wednesday, May 17, 2006, and would meet again on Wednesday, June 7, 2006, at 7:00 p.m., in Rooms 106/107 in the Herrity Building. He said Commissioners and the public were encouraged to attend.

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Commissioner Alcorn indicated that the Planning Commission's Transit-Oriented Development Committee had held its kick-off meeting on Wednesday, May 24, 2006, in the Board Conference Room. He noted that the Committee would next meet on Thursday, June 8, 2006, at 7:30 p.m., in Rooms 106/107 in the Herrity Building and said Commissioners and the public were welcome to attend. Commissioner Alcorn added that during the next few meetings, the Committee would gather information through presentations by those who had been involved in establishing guidelines for transit-oriented development in other jurisdictions. He said the Committee expected to develop guiding principles that would be added to the Policy Plan. He noted that the Committee would hold one more meeting in June and several more in July and the fall.

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Chairman Murphy noted that Barbara Lippa, Executive Director of the Planning Commission Office, had distributed a memorandum regarding the volunteer assignments for the Planning Commission's soda stand at the 25th Annual Fairfax County "Celebrate Fairfax!" Fair scheduled for June 9-11, 2006. He announced that all proceeds from sales would be donated to the trust funds for Detective Vicky Armel and Master Police Officer Michael Garbarino, who had been killed on May 8, 2006, at the Sully District Station. A video promoting "Celebrate Fairfax!" was then broadcast.

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FSA-Y01-64-2 - NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., 3901 Fair Ridge Drive

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FSA-Y01-64-2 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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APR 05-III-4FC (Springfield District)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION ACCEPT THE WITHDRAWAL OF APR 05-III-4FC IN THE SPRINGFIELD DISTRICT.

Commissioner Harsel seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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FS-H04-41 - T-MOBILE NORTHEAST LLC, 11130 Sunrise Valley Drive

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND FS-H04-41 TO BE IN COMPLIANCE WITH THE "FEATURE SHOWN" REQUIREMENTS, PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioners Hopkins and Alcorn seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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S01-CW-17CP - OUT-OF-TURN PLAN AMENDMENT (Transportation Policy Plan Amendments) (Decision Only)
(The public hearing on this Amendment was held on May 4, 2006. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner de la Fe MOVED THAT THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE PROPOSED POLICY PLAN AMENDMENTS CONTAINED IN ATTACHMENT 1 OF THE STAFF REPORT DATED APRIL 10, 2006, WITH THE PLANNING COMMISSION

MODIFICATIONS CONTAINED UNDER THE HEADING "POLICIES" IN ATTACHMENT 2, DATED MAY 23, 2006

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Hopkins abstaining; Commissioner Lusk absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE COUNTYWIDE TRANSPORTATION PLAN MAP CONTAINED IN ATTACHMENT 5 OF THE STAFF REPORT DATED APRIL 10, 2006, WITH THE PLANNING COMMISSION MODIFICATIONS CONTAINED UNDER THE HEADING "TRANSPORTATION PLAN MAP" IN ATTACHMENT 2, DATED MAY 23, 2006.

Commissioner Wilson seconded the motion which carried by a vote of 9-0-2 with Commissioners Byers and Hopkins abstaining; Commissioner Lusk absent from the meeting.

Commissioner Lawrence MOVED TO AMEND THE MOTION AS FOLLOWS: FOR THE THIRD BULLET UNDER "TRANSPORTATION PLAN MAP," OF ATTACHMENT 2, ADDRESSING THE MERRIFIELD TOWN CENTER AREA, REPLACE THE SENTENCE, "DELETE NUMBER OF LANES FOR THE INTERNAL GRID OF STREETS IN THE MERRIFIELD TOWN CENTER AREA BOUNDED BY GALLOWS ROAD, ROUTE 50, PROSPERITY, AND LEE HIGHWAY," WITH "FOR THE INTERNAL STREET GRID IN THE MERRIFIELD TOWN CENTER AREA, DESIGNATE THE NORTHERN PORTION OF ESKRIDGE DRIVE BY LEE HIGHWAY AS FOUR LANES AND THE SOUTHERN SECTION BY WILLIAMS DRIVE AS TWO LANES."

Commissioner de la Fe accepted this amendment, which was seconded by Commissioner Wilson and carried by a vote of 9-0-2 with Commissioners Byers and Hopkins abstaining; Commissioner Lusk absent from the meeting.

Commissioner Wilson MOVED TO AMEND THE MOTION TO CORRECT AN ERROR ON THE TRANSPORTATION PLAN MAP TO REDUCE THE NUMBER OF LANES ON HOOES ROAD FROM FOUR TO TWO FOR THE SECTION FROM FURNACE ROAD NORTH TO SILVERBROOK ROAD.

Commissioner de la Fe declined to accept this amendment.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE CHANGING THE TRANSPORTATION FIGURES IN THE FOUR AREA PLAN VOLUMES TO REFLECT THE NEW ADOPTED COUNTYWIDE TRANSPORTATION PLAN MAP AS DESCRIBED IN ATTACHMENT 4 OF THE STAFF REPORT DATED APRIL 10, 2006, WITH PLANNING COMMISSION MODIFICATIONS CONTAINED UNDER THE HEADING "AREA PLAN MAP CHANGES" IN ATTACHMENT 2, DATED MAY 23, 2006, AND IN ADDITION TO

REFLECT ACTUAL CONDITIONS WHERE PREVIOUSLY PROPOSED IMPROVEMENTS HAVE BEEN COMPLETED.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Hopkins abstaining; Commissioner Lusk absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE PLANNING COMMISSION CHANGES CONTAINED UNDER THE HEADING "EDITORIAL CHANGES" CONTAINED IN ATTACHMENT 2, DATED MAY 23, 2006.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Hopkins abstaining; Commissioner Lusk absent from the meeting.

Commissioner de la Fe MOVED THAT STAFF REVIEW THE TEXT IN THE FOUR AREA PLAN VOLUMES OF THE COMPREHENSIVE PLAN TO IDENTIFY ANY DISCREPANCIES WITH THE NEW ADOPTED COUNTYWIDE TRANSPORTATION PLAN MAP AND RECOMMEND REVISED AREA PLAN TEXT AS WELL AS ANY OTHER TECHNICAL OR EDITORIAL CHANGES REQUIRED. STAFF SHOULD COMPLETE THIS TASK AS EXPEDITIOUSLY AS POSSIBLE AND REPORT TO THE PLANNING COMMISSION'S TRANSPORTATION COMMITTEE WITH A PROCESS AND TIMETABLE FOR THIS RECONCILIATION, SUBSEQUENT TO THE BOARD OF SUPERVISORS' ACTION ON THIS PLAN AMENDMENT.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Hopkins abstaining; Commissioner Lusk absent from the meeting.

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FSA-M00-106-1 - NEXTEL COMMUNICATIONS, INC., 5881 Leesburg Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FSA-M00-106-1 IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND IS CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION UNDER FS-M00-106 ON APRIL 18, 2001, AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioners Lawrence and Byers seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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FSA-M00-72-1 - NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., 3342 Gallows Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FSA-M00-72-1 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-V06-2 - T-MOBILE NORTHEAST LLC
2. ZONING ORDINANCE AMENDMENT (EDITORIAL REVISIONS)
3. ZONING ORDINANCE AMENDMENT (PORTABLE STORAGE)
4. S05-III-FC1 - OUT-OF-TURN PLAN AMENDMENT

This order was accepted without objection.

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> 2232-V06-2 - T-MOBILE NORTHEAST LLC - Appl. to construct a telecommunications facility in the public right-of-way at the intersection of Fort Hunt Rd. and Paul Spring Rd. The proposed facility will include antennas inside a cap mounted atop an existing 35-ft. tall wood utility pole (total ht. of facility will be approximately 44 ft.), and cabinets mounted to the pole. Portion of Tax Map 93-4 (Va. Dept. of Transportation right-of-way). Area IV. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Commissioner Byers asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION FIND THAT 2232-V06-2 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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ZONING ORDINANCE AMENDMENT (EDITORIAL REVISIONS) - To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: (1) Clarify references made to the Dulles International Airport Access Highway (DIAAH) and the Dulles Toll Road in Sections 2-414, 2-514, 2-516, 2-517, 9-401, and 13-304 of the Zoning Ordinance; (2) Make a number of editorial revisions to the cluster provisions in order to provide clarification and consistency between provisions; (3) Revise Par. 7 of Sect. 2-421 to clarify that for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3, and R-4 Districts that were approved by proffered rezoning by the Board prior to July 1, 2004, that: (a) Such subdivisions will continue to be subject to the proffered rezoning approval; (b) Amendments to such proffered rezonings for cluster subdivisions may be filed and considered in accordance with the provisions of Sect. 18-204 of the Zoning Ordinance, except that no amendment shall be filed or approved that permits the cluster subdivision to be enlarged, expanded, increased in density or relocated; and (c) Minor modifications to such cluster subdivisions may be permitted pursuant to Sect. 18-204 of the Zoning Ordinance; (4) Revise Par. 8 of Sect. 2-421 to clarify that for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3, and R-4 Districts that were approved by the Board prior to July 1, 2004, that (a) Such cluster subdivisions that were established shall remain valid and the cluster subdivisions shall continue to be subject to the special exception approval and any development conditions imposed by such approval; (b) Amendments to such special exceptions for cluster subdivisions may be filed and considered in accordance with the provisions of Sections 9-014 and 9-614 of the Zoning Ordinance ; and (c) Minor modifications to such cluster subdivisions may be permitted pursuant to Sect. 9-004; (5) Replace references to Chapter 41 of the County Code (Animals and Fowls), which was repealed, with references to Chapter 41.1 of the County Code (Animal Control and Care); (6) Clarify that accessory electrically-powered regional rail transit facilities located within the rights-of-way of the DIAAH, the combined DIAAH and Dulles Toll Road, or an interstate highway are not required to comply with lot size requirements, bulk regulations or open space requirements of the district in which located; (7) Replace all

references to “farmers’ markets” with “farmers markets”; (8) Correct cross references to other paragraphs in Sections 8-004, 9-004, 16-203, 16-403, and 18-204; (9) Clarify that basketball standards shall be no closer than 15 feet to the front lot line and 12 feet to the side lot line; (10) Incorporate accessory electrically-powered regional rail transit facilities into the mass transit facility and related street improvement definition, thereby allowing density credit to be given for the dedication of land to the County for such facilities; and (11) Clarify that the maximum height limitation in the Richmond Highway Commercial Revitalization District is 50 feet, except in the Woodlawn Historic Overlay District where the maximum allowable height is 35 feet. COUNTYWIDE. PUBLIC HEARING.

Paige Mathes, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Zoning Ordinance Amendment.

Commissioner Hart expressed concern about the enforceability of the restriction on basketball standards, as depicted in Paragraph 12C on page 21 of the staff report. Lorrie Kirst, ZAD, DPZ, replied that this language to limit the placement and hours of use of basketball standards had been part of an amendment that had been adopted in the late 1980s. She said staff would enforce this regulation based on complaints received.

Commissioner Wilson requested that staff provide the Commission with information regarding the basketball standard amendment and its justification. Ms. Kirst agreed to this request.

Commissioner Wilson disagreed with the proposed change of the spelling of “farmer’s markets” to “farmers markets” because this would be grammatically incorrect. Ms. Kirst replied that staff had been asked to change this spelling in order to be consistent with other Fairfax County agencies.

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Wilson for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT, REGARDING EDITORIAL AND OTHER MINOR REVISIONS, TO A DATE CERTAIN OF JUNE 1, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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ZONING ORDINANCE AMENDMENT (PORTABLE STORAGE) - To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax to allow portable storage as follows: [A] Portable storage containers on residentially zoned and developed lots shall be permitted subject to the following: (1) allow only on single family detached lots; (2) allow up to two containers not exceeding a cumulative total of 130 sq. ft. or a maximum height of 8½ feet in any front yard for a period of up to 30 days within any 6 month period; (3) allow such containers in the side and rear yards subject to the same location restrictions as sheds; and (4) allow a maximum of 4 sq. ft. of signage. [B] Portable storage containers on all nonresidentially zoned and/or developed lots shall be permitted subject to the following: (1) limit the amount of gross floor area (GFA) of such containers based on the amount of GFA of principal uses; (2) allow a maximum height of 13 feet; (3) prohibit such containers from being placed in any minimum required front yard or in any front yard on lots less than 36,000 sq. ft.; (4) require an 8 foot tall solid screen when such containers are located in any yard that abuts or is located across the street from residentially zoned or developed property; (5) allow a maximum of 4 sq. ft. of sign area on each container; and (6) require parking to be provided for such containers. [C] Roll-off debris containers shall be permitted subject to the following: (1) allow one such container in any yard on single family detached lots provided that the container does not exceed 40 cubic yards and is provided in conjunction with an active Building Permit, or is provided in conjunction with the removal of yard debris or materials from a property, when such activity does not require a Building Permit, for a period not to exceed 30 days within any consecutive period; and (2) allow on all other lots subject to any applicable proffered condition, development plan, special permit or special exception approvals. [D] All portable storage and roll-off debris containers shall not be located in any required parking space, open space or landscaped area or on any sidewalk or trail, and such containers shall meet the sight distance requirements on corner lots. COUNTYWIDE. PUBLIC HEARING.

John Reale, Jr., Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed Zoning Ordinance Amendment.

Chairman Murphy referred to scenarios where the trailer portion of 18 wheelers had been used as permanent storage facilities and said he believed that they should not be permitted unless they were on a site for a short time. Mr. Reale replied that the storage of these trailers would be subject to the proposed regulations regarding storage containers on non-residentially developed lots.

In response to a question from Commissioner Alcorn, Mr. Reale indicated that the Amendment did not specifically address the difference between a cargo-style container and a trailer with wheels, although he said the height limitation would probably exclude these trailers.

Commissioner Alcorn said he expected that a portion of the Amendment would return to the Board of Supervisors for readvertisement and reauthorization. He asked that staff document the requests for additional clarifications.

Responding to a question from Commissioner Byers, Mr. Reale explained that the Amendment did not address the placement of portable storage containers in townhouse and multi-family developments due to the common restrictions on parking and lot sizes in these developments. He noted that based on citizen input, staff would further investigate this issue.

Commissioner Byers suggested that the chart listing the maximum size allowed for storage containers refer to cumulative size. Mr. Reale agreed with this suggestion.

In response to a question from Commissioner Byers, Mr. Reale noted that since there would be no time limitation for the placement of storage containers on commercial properties, staff had incorporated screening requirements similar to the current Zoning Ordinance regulations that addressed the screening of telecommunications facilities.

Commissioner Byers recommended that latitude be added to the proposed screening regulation to address temporary storage on commercial properties.

Commissioner Harsel pointed out that the Amendment would prevent communities from using storage containers during spring clean-ups.

Responding to questions from Commissioner Harsel, Mr. Reale stated that the regulations listed below Paragraph B on pages 11 through 12 did not apply to portable storage containers that were used as a principal use. Lorrie Kirst, ZAD, DPZ, said examples of this use included mini-warehousing establishments and motor freight terminals. Mr. Reale noted that Paragraph B (8) required that the additional square footage of the storage containers be included in the overall square footage of the principal use and subject to the parking requirement for the property. He explained that large storage containers would require minor site plan or site plan approval, but cargo containers that were typically 320 square feet in size would require building permit approval.

In response to questions from Commissioner Hart, Mr. Reale said that a total of two signs, amounting to no more than four square feet, would be allowed on a storage container on a

residential lot. He indicated that a revision to the sign regulation would be beyond the scope of advertising. Mr. Reale pointed out that a storage container would not be allowed on a parking space in a residential development. He explained that to allow placement of a container on a non-required, partially paved, common parking space would also be beyond the scope of advertising.

Responding to another question from Commissioner Hart, Mr. Reale said he believed that signs on a portable storage container could be covered. Ms. Kirst added that if a sign was covered, it would no longer be considered a sign, as defined by the Zoning Ordinance.

Commissioner de la Fe expressed concern about the prohibition of the common use of portable storage containers to provide temporary storage for belongings during home renovations.

Chairman Murphy pointed out that many townhouse and multi-family developments had at least one reserved space for the temporary placement of storage containers.

In response to questions from Commissioner Wilson, Mr. Reale noted that staff had researched the time limitations for the placement of portable storage containers imposed by other jurisdictions and believed that 30 days was reasonable and considerate of the visual impact on adjacent properties. He explained that a roll-off debris container on a residential lot would be permitted in conjunction with an active building permit for as long as the construction work was diligently being pursued; however, this regulation would not apply to portable storage containers.

Commissioner Wilson said she believed that the proposed 30-day limitation would prohibit citizens from using storage containers to temporarily store furniture or construction materials during home remodeling.

Responding to a question from Commissioner Wilson, Mr. Reale stated that storage containers would be prohibited on a driveway if it counted as a required parking space. He said staff had proposed this regulation to address parking shortages in residential developments.

Commissioner Wilson pointed out that citizens who lived in developments with private streets would also be precluded from using portable storage containers. She then expressed concern that a homeowner renting a storage container with an illegal sign would receive a violation, although it would be the responsibility of the rental company.

Commissioner Lawrence suggested that staff consider restrictions on the painting of storage containers to help reduce the visual impact.

In response to a question from Commissioner Byers, Mr. Reale indicated that an existing Zoning Ordinance provision prohibited accessory structures on residentially zoned and undeveloped lots due to the absence of a principal structure.

Responding to a question from Commissioner Alcorn, Mr. Reale explained that staff had surveyed a diverse number of non-residentially developed properties and concluded that many

such properties held storage containers for extended periods. He noted that staff had decided not to put a time limitation on storage containers on these lots since staff believed that the proposed limitations would sufficiently mitigate the impacts.

Chairman Murphy commented that the intent of the Amendment was to address the risk that portable storage containers might become permanent structures.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Clay Davidson, representing 1-800-Pack-Rat, LLC, 3900 Stonecroft Boulevard, Suite R, Chantilly, requested the following revisions to the proposed Amendment: the proposed signage regulation be less restrictive; that portable storage containers continue to be permitted in townhouse, apartment, and condominium developments; the maximum cumulative gross floor area of 130 square feet permitted within the front yards of a residentially developed lot be increased; the 30-day time restriction be extended; inclusion of language to differentiate between big cargo containers or trailers and portable storage containers; and removal of the requirement for permanent screening of portable storage containers on non-residentially developed lots. Mr. Davidson said the proposed regulations were too restrictive, noting that his business worked with owners to comply with their property's conditions and quickly resolved any complaints or issues. He pointed out that the Amendment would be detrimental to his business and County citizens.

In response to a question from Commissioner Alcorn, Mr. Davidson said the average rental length of his business's storage containers was six months for both residential and commercial properties, noting that the containers were not intended to be long-term structures.

Commissioner Alcorn suggested that a business be required to place its phone number on its storage containers so citizens could call if they had any problems. Mr. Davidson agreed and added that the business's trademark, name, and Web site address should also be permissible.

Responding to questions from Commissioner Hall, Mr. Davidson noted that customers paid a monthly rental fee in addition to a delivery charge for the use of storage units and that his business did not currently offer a year-long rental price. He said that after a customer had loaded the unit, it either would remain on the property or be transferred into a warehouse.

Commissioner Hall expressed concern that storage containers would remain on a property for an extended period because the owner needed additional storage. Mr. Davidson replied that most townhouse or condominium associations and apartment developments had their own regulations regarding the use of the containers and the length of time that they were allowed to remain on the property. He voiced his objection to the differentiation between the lots containing single-family detached houses and townhouses and requested that the 30-day timeframe be extended to 90 days.

Mr. Davidson responded to questions from Commissioner Lawrence regarding the manufacturer, appearance, lifetime, and access of his storage containers.

In response to a question from Commissioner Hart, Mr. Davidson indicated that a 3.5 by 10-foot sign was displayed on each side of a container.

Responding to a question from Commissioner Harsel, Mr. Davidson explained that a customer would load and secure the contents in the storage unit to be picked up by a proprietary lift system that would keep the contents level as the unit was loaded on the back of a truck and taken to a warehouse.

John Tompkins, President of Atlantic Coast Portable Storage (PODS), 8422 Wellington Road, Manassas, said he concurred with Mr. Davidson's remarks. He read a portion of his letter dated May 22, 2006, a copy of which is in the date file. He noted that the residents of townhouse, condominium, and apartment developments made up a significant portion of his business and said that they found the service to be extremely useful and convenient. He pointed out that a storage container would easily fit into one parking space, was easy to load, and of adequate size to accommodate all belongings from most attached dwellings. Mr. Tompkins requested that the gross floor area allowed within the front yard of a lot be increased from 130 to 260 square feet, noting that residents who used two containers preferred to have access to both containers at the same time. He indicated that a significant portion of customers had used the containers for construction or home renovations. He stated that the sign limitation would require his business to change all local container signs. He said he had received positive feedback from the majority of his customers and had responded immediately to any complaints.

In response to questions from Commissioner Alcorn, Mr. Tompkins explained that the average number of days that a storage container was on a property was dramatically less for customers moving out of the area than for customers moving locally or performing home renovation or home improvement projects. He said he commonly observed the seasonal use of containers on non-residentially developed properties. He indicated that Herndon High School had kept two containers holding band equipment for two years, which was the longest period that his containers had been stored on a site.

Mr. Tompkins replied to questions from Commissioner Lawrence regarding his business's customer base in Fairfax County and the local inventory, lifetime, manufacturer, and appearance of the storage containers.

Fran Wallingford, 3311 Mantua Drive, Fairfax, recommended the following revisions to the proposed Amendment: the stacking of portable storage containers be prohibited; the 30-day timeframe be extended; usage of storage containers by residents of townhouses, condominiums, and apartments be permitted and regulated by the homeowners associations or management companies; and storage containers be allowed on an undeveloped residentially-zoned property only for a temporary period when appropriate. Ms. Wallingford expressed opposition to the use of containers as permanent structures on residentially zoned properties with special exception or special permit uses due to their location in stable residential neighborhoods. She suggested that a time restriction be imposed on the use of storage containers in Commercial and Industrial Districts and that the signage requirement be improved.

Rebecca Cate, 8119 Westchester Drive, Vienna, representing the Dunn Loring Gardens Civic Association and the Providence District Council, requested that the Planning Commission defer the decision and convene a public workshop to address concerns and answer questions. She suggested that a time limitation be enforced on the use of portable storage containers and freight containers on commercial, industrial, and retail properties. She expressed concerns about containers being stacked or purchased for permanent storage and cellar space being converted to office space. Ms. Cate said the proposed screening of storage containers would be inadequate and impose a visual impact on adjacent residential neighborhoods. She expressed support for the proposed parking requirements. She recommended that a permit be issued for the use of storage containers for tracking purposes and enforcement of the Amendment. She concurred with the allowed maximum size of roll-off debris containers, but suggested that a time limitation be imposed on their use in conjunction with a building permit, such as six months in any one year period.

Joan Quill, 3179 Lindenwood Lane, Fairfax, President of the Stonehurst Homeowners Association, recommended that the proposed Amendment permit the use of portable storage containers in townhouse communities to respond to situations, such as fires; a three-day limit for moving; and placement on a parking space for renovations. She said she concurred with Ms. Cate's remarks.

Responding to a question from Commissioner Hart, Mr. Reale explained that an amendment to a special exception or special permit plat would be required to allow the placement of a portable storage container on a non-residential property.

There being no further speakers, Chairman Murphy called for concluding staff remarks.

William Shoup, Zoning Administrator, stated that staff would consider the remarks that had been made during this public hearing. He addressed the concern raised by speakers regarding the sign regulation, noting that allowing multiple billboard type signs in a front yard would exacerbate the visual impact on adjacent properties. He pointed out that if the 30-day timeframe was insufficient, then the homeowner could arrange to have the storage company pick up the container and keep it in a storage facility. Mr. Shoup indicated that storage units would be allowed on the yard portion off the driveway on small lots, such as in a P-District. He explained that his memorandum dated May 25, 2006, to the Board of Supervisors, addressed the issue of the storage of roll-off debris containers by stating that staff would use flexibility and judgment in determining whether the construction work authorized under a building permit was being diligently pursued on a case-by-case basis. (A copy of the memorandum is in the date file.) Mr. Shoup noted that staff received approximately 12 to 15 complaints a year concerning roll-off debris containers that were associated with residential construction projects. He said that staff would further address these issues.

Commissioner Wilson suggested that staff consider adding requirements for the maximum gross floor area of portable storage containers on residential lots less than one acre and on lots more than one acre.

Commissioner Alcorn asked that speakers meet with him following the close of this public hearing to discuss the next steps and to schedule a meeting.

In response to a question from Commissioner Alcorn, Mr. Reale stated that the permitted placement of portable storage containers in townhouse and multi-family communities would be outside the scope of advertising, as staff had already discussed this with the County Attorney's Office.

Commissioner Alcorn recommended that staff compose a list of suggested revisions, such as a time limitation on non-residentially developed properties and schedule a public meeting to solicit more input.

Responding to a question from Chairman Murphy, Mr. Reale indicated that it would be outside the scope of advertising to modify the Amendment to distinguish the prohibited storage of the trailer portion of 18 wheelers from the cargo containers without wheels.

Chairman Murphy said it was unreasonable to establish the same regulations for portable storage containers and the trailer portion of 18 wheelers.

In response to a question from Commissioner Hall, Mr. Reale noted that the Amendment would be revised to explicitly prohibit the stacking of storage containers.

Commissioner Hall suggested that portable storage containers be distinguished from permanent accessory structures.

There were no further comments or questions from the Commission and staff had no further remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT, REGARDING PORTABLE STORAGE CONTAINERS, TO A DATE CERTAIN OF JUNE 1, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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S05-III-FC1 - OUT-OF-TURN PLAN AMENDMENT - Appl. to consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. The Plan Amendment concerns approx. 6.94 ac.

generally located on Fair Ridge Dr., north of Lee Hwy (46-3((1))14C). The area is planned for residential use at 2 du/ac, office up to .15 FAR, or office up to .25 FAR. The amendment considers modifying the current Plan to allow assisted living, independent living, and medical office within Sub Unit A-6 at an intensity up to 1.2 FAR on tax map parcel 46-3((1))14C. This could result in approximately 200 units of elderly housing. Recommendations relating to the transportation network may also be modified. SULLY DISTRICT. PUBLIC HEARING.

Clara Quintero-Johnson, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended retaining the adopted Comprehensive Plan because the proposed elderly housing would result in isolated infill residential development in an existing office park that had been approved for Planned Development Commercial (PDC) zoning and had not envisioned residential use.

Chairman Murphy called the first listed speaker.

Keith Martin, Esquire, with Sack, Harris & Martin, PC, stated that the proposed independent living facility would generate minimal traffic, complement the recently approved floor area ratio (FAR) and retail component on the adjacent Virginia Electric and Power Company (VEPCO, now known as Dominion Virginia Power) site, and be compatible with the single-family detached development to the north. He said the proposal would meet elderly housing guidelines, noting that the site would be in proximity to retail and hotel uses, a mall, and a hospital. Mr. Martin supported the proposed draft Comprehensive Plan alternative language dated May 25, 2006, which provided for pedestrian connections; usable open space; and service to bus, rail, and community facilities. (A copy of the alternative language is in the date file.) He pointed out that the Fairfax County Department of Transportation had considered this proposed use when evaluating and recommending approval of the increased FAR in retail on the VEPCO site.

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Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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In response to a question from Vice Chairman Byers, Marianne Gardner, PD, DPZ, said staff acknowledged that retail would help create a more welcoming location for elderly housing on this site; however, staff still recommended retaining the current planned use of office.

Vice Chairman Byers commented that he had observed an increase in residential encroachment into industrial and commercial areas, particularly around Dulles Airport, over the last several years. He indicated that the intent of the PDC District was to encourage innovative and creative

design of commercial development and expressed concern about allowing residential use rather than office use on this site.

Commissioner Koch pointed out that this proposed development would abut a residential neighborhood and an undeveloped park and would be in proximity of a fire and rescue station, a grocery store, office uses, workforce housing, a medical office building, and a hospital. He said it was reasonable to locate elderly housing on this site, citing the need and other approved residential uses in the Fairfax Center Area.

Responding to a question from Commissioner Harsel, Mr. Martin stated that the Amendment only proposed the development of up to 200 independent living units.

Responding to questions from Commissioner Hart, Ms. Quintero-Johnson explained that the nearest bus stop would be located in front of the public safety complex and the farthest bus stop would be located across Fair Ridge Drive and could be accessed by either an incomplete sidewalk along Fair Ridge Drive; a narrow, uneven trail; or shuttle service, which would be provided to bus and rail services and other community services.

Commissioner Lawrence commented that shuttle service would be essential for handicapped residents.

Vice Chairman Byers called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF OUT-OF-TURN PLAN AMENDMENT S05-III-FC1, AS SHOWN IN THE HANDOUT DATED MAY 25, 2006.

Commissioner Hall seconded the motion which carried by a vote of 7-1-1 with Commissioner Byers opposed; Commissioner Harsel abstaining; Commissioners Alcorn and Murphy not present for the vote; Commissioner Lusk absent from the meeting.

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The meeting was adjourned at 11:03 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: April 10, 2008

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Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission